

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)  
**Monday, December 22, 2014**  
**OPEN SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

START TIME: 2:00 p.m.

**AGENDA**

**MEETING CALLED TO ORDER**

1. Roll Call

**CONSENT CALENDAR**

2. Approval of the Draft Minutes from the November 17 and 18, 2014 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for December 2014
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider
5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

**REPORTS AND PRESENTATIONS**

6. Report from Executive Officer
  - Parole Process for Non-Violent, Non-Sex-Registrant, Second-Strike Inmates
  - SB 260 Update
7. Report from Chief Counsel
8. Report from Chief Deputy of Program Operations
  - Gate Clearances
  - Use of Electronic Devices for Deputy District Attorneys and Inmate Counsel
9. WatchDox File Tracking, presented by Tara Doetsch, Staff Services Manager

**DISCUSSION ITEMS**

10. a) Administrative Directive 2014-03C Transcripts of Audio, Video and Other Electronically Stored Statements Filed with the Board, presented by Howard Moseley, Chief Counsel  
b) Board Questions and Comments  
c) Public Comments  
d) Motion and Votes

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.**

11. a) Administrative Directive 2014-05 Scope of Victim Impact Statements at Hearings, presented by Susie Booth, Staff Attorney
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

**OPEN COMMENTS**

12. BPH Commissioners – Agenda Items for Future Meetings
13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

**MEETING RECESSED TO TUESDAY, DECEMBER 23, 2014**

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Monday, December 22, 2014**  
**CLOSED SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

START TIME: 3:00 p.m.

**DISCUSSION**

**Overview of Facts and Circumstances with Significant Exposure to Litigation**

Pursuant to Government Code section 11126(e)(2)(B)(i)

*(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)*

**Issue**

1. The “good cause” standard, presented by Howard Moseley, Chief Counsel, and Jennifer Shaffer, Executive Officer

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

**Issue**

1. *Gilman v. Brown* (E.D. Cal. July 28, 2014, No. Civ. S-05-830 LKK/CKD) 2014 WL 3735401 (pending appeal), presented by Howard Moseley, Chief Counsel, and Rhonda Skipper-Dotta, Chief Deputy of Field Operations

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, December 23, 2014  
CLOSED SESSION**

***(All times are approximate and subject to change.)***

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

**START TIME: 9:00 a.m.**

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

**Issue**

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, December 23, 2014**  
**OPEN SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

START TIME: 10:00 a.m.

**AGENDA**

**MEETING RECONVENED (Continued from December 22, 2014)**

14. Roll Call

**REPORTS AND PRESENTATIONS**

15. LSTS Enhancements, presented by Christine Buffleben, LSTS Project Manager

**DISCUSSION ITEMS**

16. a) Amended Regulations Regarding Penal Code 3000.1 Proceedings, presented by Heather McCray, Senior Staff Attorney  
b) Board Questions and Comments  
c) Public Comments  
d) Motion and Votes

**EN BANC REFERRALS**

17. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

**A. COX, JIMMY**                      **AK-7968**  
Sentencing Court(s):  
San Bernardino

**B. SIMON, BOBBY**                      **D-49680**  
Sentencing Court(s):  
Los Angeles

18. Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

**C. BASS, DANIEL**                      **J-03303**                      **To reconsider the term calculation**  
Sentencing Court(s):                      **(Cal. Code of Regs., tit. 15, § 2041(h).)**  
Orange

**D. BOHANA, DONALD**                      **P-22798**                      **To consider increasing the base term**  
Sentencing Court(s):                      **and adjusted base term (Cal. Code of**  
Los Angeles                      **Regs., tit. 15, § 2041(h).)**

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**E. LLAMAS, DONNIE**                      **D-36130**                      **To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)**  
Sentencing Court(s):  
Santa Clara

**F. PALMER, RICKY**                      **C-15566**                      **To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)**  
Sentencing Court(s):  
Los Angeles

19. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

**G. BAILEY, THOMAS**                      **C-96278**                      **To consider alleged institutional misconduct on October 29, 2014**  
Sentencing Court(s):  
Los Angeles

20. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

**H. GULLETT, ROBERT**                      **H-45198**  
Sentencing Court(s):  
Los Angeles

**I. OLMOS, JAIME**                      **AF-4802**  
Sentencing Court(s):  
Ventura

21. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

**J. FLYNN, PATRICK**                      **J-25604**  
Sentencing Court(s):  
Santa Clara

### **OPEN COMMENTS**

22. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: [www.cdcr.ca.gov/BOPH/enbanc.html](http://www.cdcr.ca.gov/BOPH/enbanc.html).

### **CLOSED SESSION – EN BANC REFERRALS**

Pursuant to Government Code section 11126(c)(4)  
(“...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.”)

### **ADJOURNMENT**

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